

**BUFFALO COUNTY BOARD OF SUPERVISORS**  
**BUFFALO COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JULY 14, 2009**  
**8:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, July 14, 2009 at 8:00 A.M. Chairman Pierce called the Board of Equalization to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen and Richard Pierce. Absent: Sherry Morrow. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce opened the scheduled Property Valuation Protest Hearings. County Assessor Joe Woodward, Deputy County Assessor Joe Barber and County Assessor staff members Nora Dutcher, Gwen Campbell, Lennis Hodgson and Debra Ecklund were present for the hearings. All proceedings hereinafter shown were recorded and taken by County Clerk Janice Giffin and the 2009 Property Valuation Protest Hearings were conducted as follows:

HEARING TIME	PROTEST NUMBER	NAME	PARCEL	PRESENT
8:00 A.M.	900031	Fred E. Hammer	603786151	No one present
	900032	Fred E. Hammer	603786154	No one present
	900033	Fred E. Hammer	603786163	No one present
	900034	Fred E. Hammer	603786168	No one present
	900035	Fred E. Hammer	603786169	No one present
	900036	Emilie Morse	120102000	No one present
	900038	Jerry Mitchell	600552000	Deborah Mitchell
	900041	Mark T. Omtvedt	560006007	Mark T Omtvedt
8:30 A.M.	900042	Paul Walker	340170100	No one present
	900043	Paul Walker	680404000	No one present
	900044	Paul Walker	680444000	No one present
	900045	Paul Walker	680463000	No one present
	900046	Paul Walker	680003110	No one present
	900047	Paul Walker	850000653	No one present
	900049	Kenneth & Joanne Paitz	040621000	Joanne Paitz
	900050	K Anderson, M Douglas, C Garrett	602486525	No one present
8:45 A.M..	900051	Lynn M. Ferguson	850000668	No one present
	900052	Larry L. Beins	380241152	No one present
	900053	Michael J. Horn	060005010	No one present
	900054	Wanda Haussermann	651105376	No one present
	900055	Harry Lempp	605622000	No one present
	900056	Walter Martin	610052000	No one present
	900057	Faith Buso c/o Alfred & Mary Nave	640266000	Mary Nave

Chairman Pierce recessed the Board of Equalization at 8:47 A.M.

**BOARD OF SUPERVISORS**

Chairman Pierce called the Board of Supervisors meeting to order at 9:00 A.M. Ron Nielsen from the local Masonic Lodge was present during citizen’s forum to discuss the possibility of placing a cornerstone on the new Buffalo County Justice Center at no cost to the County. No decision was made at this time.

**CONSENT AGENDA**

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

**GENERAL COUNTY BUSINESS**

1. Approve minutes for June 23, 2009 and Emergency Meeting Minutes for June 30, 2009
2. Accept reports:
  - County Treasurer June 2009 Fund Balance Report

- County Treasurer Semi Annual Report
- Detention Center June 2009 Report
- Clerk of District Court June 2009 Report

### **JUSTICE CENTER PROJECT**

Buster Beckenhauer, Construction Manager of the Justice Center Project was present for updated reports and discussion.

Beckenhauer reported that the new seal was in place and ready to be revealed at the Grand Opening of the new west entryway later today.

### **REGULAR AGENDA**

Chairman Pierce opened the public hearing for the County Celebration Expenditure Limits at 9:15 A.M. Supervisor McMullen reviewed the draft policy copy and no one was present to address the Board. Chairman Pierce closed the public hearing at 9:16 A.M. Moved by McMullen and seconded by Klein to approve the policy which establishes limits and guidelines on expenditures for County Celebrations. A copy of this policy is on file with the Board Administrator and will be distributed to all County Officials. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Chairman Pierce then reviewed the following correspondence with the Board. Newsletters were received from the Central Platte Natural Resources District and the USDA Nebraska Farm Service Agency. Zoning Administrator LeAnn Klein reminded the Board that terms of two Board of Adjustment members will expire in September. City of Kearney sent the following correspondence: notice of annual testing of backflow prevention, progress report of Baldwin Expansion Project, and notice of hearing on CRA Blight/Substandard Determination Study and General Redevelopment Plans. Department of Environmental Quality sent copy of Design Change Plans for Nebraska ILS Feeders, Inc. Chairman Pierce then called on each Board member present for committee reports and recommendations.

Moved by McMullen and seconded by Klein to the transfer of \$38,680.75 from the Community Development Grant Fund (2605) to the General Fund (0100) to correct a clerical error from June 2009. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to authorize the Chairman to sign a City of Kearney special use permit application for the placing of a Communications Tower adjacent to the new construction. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Greder to approve the following Resolution 2009-47. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

### **RESOLUTION 2009-47**

WHEREAS, Buffalo County, hereinafter “County,” has historically required each official to estimate and request amounts for employee life insurance premiums in each respective budget; and

WHEREAS, County acknowledges that these expenses are negotiated by County and are outside the discretion of the officials; and

WHEREAS, County has determined that County estimating and budgeting for said insurance costs is in the best interest of the officials and employees; and

WHEREAS, there are certain employee insurance costs that are paid for or reimbursed by resources outside of the general fund that should be accepted from the new insurance budget policy;

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the insurance costs for employees shall not be inserted into the individual office budgets and shall instead be estimated and budgeted for by the Buffalo County Board of Supervisors, unless accepted for appropriate cause.

BE IT FURTHER RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the duration and substance of this Resolution are subject to modification by future resolutions.

Moved by Loewenstein and seconded by Klein to accept the petition to vacate alley abutting Lots 174 thru Lots 186 inclusive Original Town of Odessa, Buffalo County and to forward the petition to the Highway Superintendent to conduct a study and to report back to this Board. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to accept the petition to vacate all of Strong Avenue, a street in the Village of Odessa, Buffalo County from the East line of the vacated West 17 feet of Main Street, a street in Village of Odessa, to the West line of the Village of Odessa and to forward the petition to the Highway Superintendent to conduct a study and to report back to this Board. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

**BOARD OF EQUALIZATION**

Chairman Pierce called the Board of Equalization to order in open session at 10:00 A.M. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present. Chairman Pierce opened the public hearing for Real Estate Valuation Change on property owned by Kelly Rapp and Laureen Rapp. No one was present to address the Board and Chairman Pierce closed the public hearing at 10:05 A.M. Moved by Greder and seconded by Loewenstein to approve the Valuation Change to include parcel number 604236234 that had been missed on the tax roll. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Dannehl to approve the Exemption Application for Our Lady of Lourdes in Ravenna on parcel number 040143000. This parcel is an overflow parking lot for Our Lady of Lourdes. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Loewenstein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska for the following vehicles: two 1996 Fords, 1997 Mercury, 1997 Pontiac, 1998 Plymouth, 1998 Pontiac, two 1998 Fords, 1999 Mercury, 1999 GMC, two 1999 Pontiacs, two 1999 Dodges, three 2000 Chevys, 2000 Pontiac, 2001 Dodge, 2001 Chevy, 2001 Ford, three 2002 Chevys, 2002 CargoMate, 2003 Pontiac, 2004 Ford, 2004 Chevy, 2004 Carry On, 2005 TN Trailer, 2006 Ford, 2007 Droyal, 2008 Chrysler, two 1997 Fords, 1999 Chevy, 2000 Chevy, two 2002 Chevys, two 2004 Chevys, 2006 Ford, three 2008 Chevys, and two 2009 Chevys. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for South Central Behavioral Services for the following vehicles: 2005 Chevy, three 2006 Chryslers, two 2007 Toyotas, 2001 Chrysler, 2003 Dodge, 2009 Toyota, 2000 Dodge, and 2002 Dodge. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Greder to approve tax list corrections 3593 through 3602 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce resumed the Property Valuation Protest Schedule and Deputy County Assessor Joe Barber and County Assessor staff members Nora Dutcher, Gwen Campbell, Lennis Hodgson and Debra Ecklund were also present for the following hearings.

HEARING TIME	PROTEST NUMBER	NAME	PARCEL	PRESENT
10:00 A.M.	900003	Khim H. Lim	600057000	Khim H Lim
	900030	Kent & Heidi Richter	620346050	Kent and Heidi Richter
	900064	Great Western Properties	602097000	Michael Kalb
	900065	Great Western Properties	602097020	Michael Kalb
	900066	Great Western Properties	602097030	Michael Kalb
	900067	Great Western Properties	602097040	Michael Kalb
10:30 A.M.	900058	Kenneth & Karen DeJonge	020066000	No one present
	900059	Kenneth & Karen DeJonge	020068000	No one present
	900060	Kenneth & Karen DeJonge	020079000	No one present
	900061	Diane J. Axmann	100108000	Ed Axmann
	900062	Diane J. Axmann	100182000	Ed Axmann
	900063	Diane J. Axmann	100182100	Ed Axmann

**ZONING**

The Board of Supervisors reconvened with the Zoning Agenda at 11:03 A.M. Present were Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein. The first public hearing was for approval of an Administrative Subdivision for Jim and Lisa Kennedy. Present were the applicants Jim and Lisa Kennedy and Mitch Humphrey who submitted the application. No one was

present to speak against the application and Chairman Pierce closed the public hearing at 11:15 A.M. Moved by Greder and seconded by Klein to approve the following Resolution 2009-48. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

#### **RESOLUTION 2009-48**

WHEREAS, James B. Kennedy and Lisa Kay Kennedy, husband and wife hereinafter referred to as “applicants” have filed for an administrative Subdivision to be known as “Kennedy Administrative Subdivision” with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on July 14, 2009 this Board conducted a public hearing and finds:

1. The proposed Kennedy Administrative Subdivision is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. A road, dedicated as a private road, abuts the proposed subdivision. The width of that road does not comply with minimum width standards required by the Buffalo County Subdivision Resolution. The Buffalo County Board of Zoning Adjustment in meeting held June 11, 2009 allowed relaxation of this minimum standard for this proposed subdivision.
4. There is no need for, nor is there a required dedication of, additional public or private right-of-way.
5. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of “KENNEDY ADMINISTRATIVE SUBDIVISION”, a subdivision being in part of the North Half of the Northwest Quarter (N1/2NW1/4) of Section Two (2), Township Nine (9), Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce opened the public hearing at 11:10 A.M. for an administrative subdivision for property known as Hand Acres Subdivision. Rex Hand, applicant for Hand Partnership was present. Deputy County Andrew Hoffmeister reviewed the draft resolution. No one was present to speak against the application and Chairman Pierce closed the public hearing at 11:15 A.M. Moved by Loewenstein and seconded by Greder to approve Resolution 2009-49. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

#### **RESOLUTION 2009-49**

WHEREAS, Hand Partnership, acting through Rex Hand General Partner, hereinafter referred to as “applicant” has filed for an administrative Subdivision to be known as “Hand Acres” with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on July 14, 2009 this Board conducted a public hearing and finds:

1. The proposed Hand Acres is located in the Agricultural (AG) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. A public road abuts the proposed subdivision.
4. There is no need for, nor is there a required dedication of, additional public right-of-way.
5. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF BUFFALO COUNTY, NEBRASKA in regular session with a quorum present, that the plat of “HAND ACRES”, an administrative subdivision being part of the Southeast 1/4 of the Northeast 1/4 of Section Two (2), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce recessed the meeting at 11:20 A.M. The Board of Supervisors gathered at the new west entryway of the courthouse at 12:10 P.M. Chairman Pierce addressed those present at the Grand Opening of the entryway and the revealing of the newly placed Buffalo County Seal. The new Buffalo County Seal was designed by Joyce Linn who was among those present.

Chairman Pierce resumed the Property Valuation Protest Schedule at 1:00 P.M. County Assessor Joe Woodward, Deputy County Assessor Joe Barber and County Assessor staff members Nora Dutcher, Gwen Campbell, Lennis Hodgson and Debra Ecklund were present for the following hearings.

**BOARD OF EQUALIZATION**

HEARING TIME	PROTEST NUMBER	NAME	PARCEL	PRESENT
1:00 P.M.	900068	Arram Ventures, Inc.	602737000	No one present
	900069	Arram Equities, Inc.	620156100	No one present
	900070	Arram Ventures, Inc.	605177200	No one present
	900071	AMMM Enterprises, LLC	602960000	Andrew Drozd
	900072	The Nicholas Group	606070501	Becky Lux
	900073	The Nicholas Group	606070601	Becky Lux
1:15 P.M.	900074	Donald & Rena Schmidt	100167000	No one present
	900077	Dekalb Genetics Corporation	620306000	Joan Steckel
1:45 P.M.	900081	Craig & Leann Sobieszyk	600660000	Craig and Leann Sobieszyk
	900082	Craig & Leann Sobieszyk	600661000	Craig and Leann Sobieszyk
	900117	Gerald & Leann Sobieszyk	600657000	Craig and Leann Sobieszyk
2:00 P.M.	900083	DT Development, Inc.	560336100	Jeff Orr
	900085	Michael K. Mast	560006023	No one present
	900086	Hazel J Buchanan	480313000	Hazel J Buchanan
	900087	Jeannette Bergt	220047020	Jeannette Bergt
	900088	Jeannette Bergt	220019000	Jeannette Bergt
	900089	Vicki S. Baxter	604158000	No one present
2:15 P.M.	900093	Frontierland Development	605841906	Mike Kalb
	900094	Frontierland Development	605841907	Mike Kalb
	900095	Frontierland Development	605841902	Mike Kalb
	900096	Frontierland Development	605841908	Mike Kalb
	900097	Frontierland Development	605841904	Mike Kalb
	900098	Frontierland Development	605841903	Mike Kalb
2:30 P.M.	900100	Neil A. Koster	660286100	Neil Koster
	900103	Edward & Corinne Kielbansinski	600165000	No one present
	900104	Heimat Corp.	300076000	Rodney Link
	900105	Heimat Corp.	300090000	Rodney Link
	900106	Heimat Corp.	300089000	Rodney Link
2:45 P.M.	900107	Nasima Khan, Khan Hotels, LLC	602907502	No one present
	900108	Michael & Mary Dakan	603356030	No one present
	900109	Michael Sandstedt	603627000	Michael Sandstedt
	900110	Cody Feeken	640062100	Cody Feeken
3:00 P.M.	900111	Platte Valley State Bank & Trust	606367050	No one present
	900112	Harold B. Skrdlant	640512000	No one present
	900113	John Payne	620140000	Withdrawn
	900114	John Payne	620138000	Withdrawn
	900115	Kurt Bartels	601676110	Kurt Bartels
	900116	Edwin & Maxine Johnson	540067000	Withdrawn
3:15 P.M.	900118	Daniel & Kathryn Zinnel	560325005	Dan Zinnel
	900119	Daniel J. Kelley	604251000	No one present
	900120	Thelma L. Simpson	602918156	Thelma Simpson
	900121	Allen R. Dittmer	605436000	No one present
	900122	Bonnie Pabian	060031000	Bonnie Pabian
	900123	Donald & Glenda Stokes	020049000	Glenda Stokes
3:30 P.M.	900037	Sixth Street Development	605179245	Doug Bierman
	900124	Sixth Street Development	600067087	Doug Bierman
	900125	Sixth Street Development	601472504	Doug Bierman
4:00 P.M.	900128	Gary Shelburn	120057000	Doug Bierman
	900129	Joni K. Sherman	603073000	Joni Sherman
	900130	Ike Mason	605403000	Ike Mason
4:15P.M.	900131	Winfield Investments, LLC	602140790	No one present
	900132	Winfield Investments, LLC	602487522	No one present
	900133	Winfield Investments, LLC	602487521	No one present
4:30 P.M.	900134	Wells Fargo Bank	610094000	No one present
	900135	OfficeMax Retail	605247810	No one present
	900223	A. Alavi	603741822	Abdoulelahe Alavi

At 5:16 P.M Chairman Pierce asked if there was anything else to come before the Board before he declared the Board of Equalization recessed until Tuesday, July 21, 2009 at 8:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.